

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

STEPHEN M. RAZE, as personal representative of The Estate of Bruce G. Raze,

Plaintiff,

v.

STACI L. WALBRIDGE and JEREMY D. RICHARDSON,

Defendants.

Case No. 3:20-cv-957-AR

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Jeffrey Armistead issued Findings and Recommendation in this case on June 23, 2022. ECF 49. Judge Armistead recommended that this Court dismiss Plaintiff Stephen M. Raze's First and Second Claims with prejudice and dismiss his Third Claim for lack of personal jurisdiction without prejudice and with leave to refile in a court of competent jurisdiction.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”). Although in the absence of objections no review is required, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate judge’s recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Armistead’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Magistrate Judge Armistead’s Findings and Recommendation, ECF 49. The Court DISMISSES Plaintiff’s First and Second Claims with prejudice, and Plaintiff’s Third Claim without prejudice.

IT IS SO ORDERED.

DATED this 11th day of July, 2022.

/s/ *Michael H. Simon*
 Michael H. Simon
 United States District Judge